

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, claims 24-35 have been canceled in favor of new claims 36-47. Claims 1-17 have been previously canceled. Accordingly, claims 18-23 and 36-47 are now pending.

Support for new claims 36-47 is found at least at: column 12, lines 22-30; column 21, lines 27-30; column 25, lines 4-7; column 25, lines 18-19; and column 28, line 66 to column 29, line 3.

Previously during the prosecution, i.e., in the Office Action of January 12, 2005, claims 18-23 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 19-24 of copending application 09/672,948, and were indicated to be allowable over the prior art of record. On May 12, 2005, a terminal disclaimer was filed in the present application, thereby removing the obviousness-type double patenting rejection.

In the present amendment, claims 24-35 are amended (in the form of new claims 36-47), to include limitations similar to those found in allowed claims 18-23. Specifically, each of allowed claims 18-23 includes a recitation drawn to the feature that **the first data stream has data for demodulation including the number of signal points of the constellation for the second data stream**. Each of the new independent claims 36, 38, 40, 42, 44, and 46 includes a recitation that **the first data stream includes information for demodulation representing the value of n of the second data stream**. The prior art of record, including Nakamura, simply does not disclose or suggest such a feature.

In view of the above, and in view of the terminal disclaimer filed May 12, 2005, it is submitted that claims 36-47 are allowable. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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